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INGRASSIA FISHER & LORENZ, P.C. (SYNA)
7010 E. Cochise Road
SCOTTSDALE, AZ 85253

EXAMINER	
KUMAR, SRILAKSHMI K	

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/176,639	SCHEDIWY ET AL.	
	Examiner	Art Unit	
	SRILAKSHMI K. KUMAR	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *24 and 52-96* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *24, 52-96* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The following office action is in response to the Pre Appeal Brief request. Claims 24, 52-96 are pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 24, 52-96 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 24 teaches the limitation of "said touch layer having a conductivity selected to create an image of a conductive object that is larger than an area of contact of said conductive object"..."wherein the conductivity of said touch layer is configured to limit the size of said [image] to approximately four time the area of contact of said conductive object".

Claim 52 teaches the limitation of "wherein the conductive touch layer has a conductivity configured to create an image of said conductive object that is larger than an area of contact of said conductive object".

Claim 63 teaches the limitation of "wherein the conductive touch layer comprises conductive carbon disposed in epoxy and has a conductivity selected to create an image

of said conductive object that is at least four times larger than an area of contact of said conductive object".

Claim 68 teaches the limitation of "wherein the conductive touch layer has a conductivity configured to create an image of said conductive object that is larger than an area of contact of said conductive object with said conductive touch layer".

Claim 88 teaches the limitation of "wherein said conductive touch layer has a conductivity configured to create an image of said conductive object that is larger than an area of contact of said conductive object".

With respect to claims 24, 52-96, the specification does not adequately disclose how the "conductivity is configured to create an image of said conductive object that is larger than an area of contact of said conductive object". In the specification, on page 10, lines 4-7, applicant teaches "For best operation, the conductivity of the surface layer should be chosen such that the image of the stylus is about the same size as the image generated by a finger on a normal capacitive sensor." However, the specification does not teach how the conductivity is chosen or selected as claimed in the independent claim. The specification on page 9, line 14-page 10, line 7, simply state that a conductivity that is too large or too small is flawed, however a moderate conductivity is appropriate. Therefore, the specification fails to accurately describe or define how a moderate conductivity is determined.

3. Claims 24, 52-96 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 24 teaches the limitation of "said touch layer having a conductivity selected to create an image of a conductive object that is larger than an area of contact of said conductive object"…"wherein the conductivity of said touch layer is configured to limit the size of said [image] to approximately four time the area of contact of said conductive object".

Claim 52 teaches the limitation of "wherein the conductive touch layer has a conductivity configured to create an image of said conductive object that is larger than an area of contact of said conductive object".

Claim 63 teaches the limitation of "wherein the conductive touch layer comprises conductive carbon disposed in epoxy and has a conductivity selected to create an image of said conductive object that is at least four times larger than an area of contact of said conductive object".

Claim 68 teaches the limitation of "wherein the conductive touch layer has a conductivity configured to create an image of said conductive object that is larger than an area of contact of said conductive object with said conductive touch layer".

Claim 88 teaches the limitation of "wherein said conductive touch layer has a conductivity configured to create an image of said conductive object that is larger than an area of contact of said conductive object".

The specification does not adequately disclose how the "conductivity is configured to create an image of said conductive object that is larger than an area of contact of said conductive object". In the specification on page 10, lines 4-7, applicant

teaches "For best operation, the conductivity of the surface layer should be chosen such that the image of the stylus is about the same size as the image generated by a finger on a normal capacitive sensor." However, the specification does not teach how the conductivity is chosen or selected as claimed in the independent claims without undue experimentation. The specification on page 9, lines 14-page 10, line 7, simply state that a conductivity that is too large or too small is flawed, however a moderate conductivity is appropriate. Further, the specification does not define how moderate conductivity is determined.

Therefore as stated in the MPEP, the specification does not meet the enablement requirement as it does not enable a person of ordinary skill in the art to make and use the claimed invention without resorting to undue experimentation. See In re Brown, 477 F.2d 946, 177 USPQ 691 (CCPA 1973); In re Ghiron, 442 F.2d 985, 169 USPQ 723 (CCPA 1971). See MPEP 2161.01. Applicant is further directed to MPEP 2164.01 and 2164.06 (c) for further information in regards to undue experimentation.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 24, 52-96 rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al (WO 97/18528) in view of Miller et al (US 5,374,787) and further, in view of Greanias et al (US 5,386,219)

As to independent claims 52 and 88, Allen et al teach a capacitive touch pad system (Fig. 1) comprising; a sensor layer (items 14, 18), and insulative layer disposed over said sensor layer (22), and a conductive touch layer (24) disposed over said insulative layer; Allen et al teach wherein said sensor layer, said insulative layer and said conductive touch layer are configured to form a capacitor with a conductive object when a user places said conductive object proximate said sensor layer (page 7, lines 9-15); said formed capacitor having a capacitance determined in part by the conductive touch layer and the conductive object (page 7, lines 4-32).

Allen et al do not disclose where said touch layer having a conductivity selected to create an image of a conductive object that is larger than an area of contact of said conductive object, and wherein said sensor layer capacitively detects the image of said conductive object when a user places a conductive object proximate said touch layer.

Miller et al disclose in col. 8, line 58-col.9, line 25 where said touch layer having a conductivity selected to create an image of a conductive object that is larger than an area of contact of said conductive object. It would have been obvious to one of ordinary skill in the art to incorporate where said touch layer having conductivity selected to create an image of a conductive object that is larger than an area of contact of said conductive object as taught by Miller et al into Allen et al in order to measure contact area of the capacitive touch layer (Miller et al col. 4, lines 18-28).

Further, changing the conductivity of Allen et al in order to create an image larger than an area of contact of the conductive object would have been obvious to try (KSR) to in order to yield a predictable solution.

Allen et al and Miller et al do not teach wherein said sensor layer capacitively detects the image of said conductive object when a user places a conductive object proximate said touch layer.

Greanias et al disclose wherein said sensor layer capacitively detects the image of said conductive object when a user places a conductive object proximate said touch layer in col. 7, lines 14-23 and col. 8, lines 19-50. It would have been obvious to one of ordinary skill in the art to incorporate wherein the sensor layer capacitively detects the image of said conductive object when a user places a conductive object proximate said touch layer as shown by Greanias into that of Allen et al as modified by Miller. The feature of capacitive detection is advantageous as disclosed by Greanias in col. 3, lines 25-37 as it improves the accuracy of determining the position of the touch.

Allen, Miller and Greanias do not explicitly disclose a wherein said conductive touch layer configured to produce a visual mark of the conductive object contacting said conductive touch layer for providing visual feedback to the user. Examiner takes Official Notice that said conductive touch layer configured to produce a visual mark of the conductive object contacting said conductive touch layer for providing visual feedback to the user is well known in the art. It would have been obvious to one of ordinary skill in the art that a visual mark to be shown in the touch/stylus input systems disclosed by Allen, Miller and Greanias and further touch input systems such as personal digital assistants show visual marks to enable the users to input different items and handwriting.

With respect to independent claim 24, see limitations of claims 52 and 88, above, and further, wherein the conductivity of said touch layer is configured to limit the size of said image to approximately four times the area of contact of said conductive object. The

prior art of Miller et al teaches in col. 8, line 58-col.9, line 25 wherein the touch layer having a conductivity selected to create an image of a conductive object that is larger than an area of contact of said conductive object. It would be obvious to try (KSR) to have a conductivity selected to create an image of a conductive object that is approximately four times larger than an area of contact of said conductive object. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the prior art of Miller et al to change the conductivity in order to obtain an image of a conductive object that is approximately four times larger than the area .

As to dependent claims 53, 63, 69, 70 and 71 see limitations of claims 24, 52 and 88 above.

As to dependent claims 54, 62 and 72, limitations of claims 52 and 88 and further comprising, Allen et al do not teach a plastic carrier. Miller et al disclose a plastic carrier in col. 8, lines 8-57. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the plastic carrier of Miller et al into the Allen et al as the plastic carrier protects the touch device.

As to dependent claim 74, limitations of claim 52, and further comprising, Allen et al does not explicitly teach wherein said insulative layer, said touch layer and said sensor layer are transparent. Greanias et al teach in Figs. 5-8 where the three layers are transparent. It would have been obvious to one of ordinary skill in the art to include where the insulative, touch and sensor layers are transparent as taught by Greanias into Allen et al as modified by Miller et al in order to view images and items for selection on the touch panel (Greanias, col. 3, lines 27-57).

As to dependent claims 56 and 75, limitations of claim 52 and 74, and further comprising, Allen et al do not disclose wherein a display in operative communication below said sensor layer and where said display configured to be viewable through said sensor layer, insulative layer and touch layer. Greanias et al teach in Figs. 1, 3 and 5 wherein a display (item 18) in operative communication below said sensor layer, and where said display configured to be viewable through said sensor layer, insulative and touch layer (Figs. 1, 3, 5-8). It would have been obvious to one of ordinary skill in the art to include the display and where the insulative, touch and sensor layers are transparent as taught by Greanias into Allen et al as modified by Miller et al in order to view images and items for selection on the touch panel (Greanias, col. 3, lines 27-57).

As to dependent claim 76, see limitations of claims 52 and 88, above.

As to dependent claim 77, see limitations of claims 52 and 88, above.

As to dependent claim 78, limitations of claim 52, and further comprising, wherein said Allen et al do not explicitly disclose the feature of where the conductive object comprises one of metal and conductive plastic. Miller discloses where the conductive object comprises one of metal and conductive plastic in col. 8, lines 8-col. 9, line 25. It would have been obvious to one of ordinary skill in the art to incorporate into Allen where the conductive object comprises one of metal and conductive plastic as taught by Miller et al as metal and conductive plastic enables the conductive object to be detected by the touch panel (Miller, col. 4, lines 12-28).

As to dependent claim 79, limitations of claim 52, and further comprising, Allen et al as modified by Miller and Greanias do not disclose where a conductive tip is selected from the group consisting of a wide stylus, a ball of conductive foam, and a

circular metal plate with a ball joint. However the Examiner takes Official Notice that a conductive tip is selected from the group consisting of a wide stylus, a ball of conductive foam, and a circular metal plate with a ball joint is well known in the art. It would have been obvious to one of ordinary skill in the art to incorporate the feature into that of Allen et al as modified by Miller and Greanias as different conductive tips enable the user to create different images.

As to dependent claim 80, limitations of claim 52, and further comprising, Allen et al as modified by Miller and Greanias do not disclose where a conductive object comprises a fine tipped conductive pen. However the Examiner takes Official Notice a conductive object comprises a fine tipped conductive pen is well known in the art. It would have been obvious to one of ordinary skill in the art to incorporate the feature into that of Allen et al as modified by Miller and Greanias as is disclosed by personal digital assistants with pen stylus as the fine tip is advantageous as it enables for precision.

As to dependent claims 57 and 81, limitations of claim 52, and further comprising, Allen et al and Miller et al do not disclose the feature of a bezel, wherein said bezel is configured to limit edge distortion effects by preventing the conductive object from contacting the conductive touch layer at the perimeter. Greanias et al disclose the feature of a bezel to prevent edge distortion by preventing the conductive object from contacting the conductive touch layer at the perimeter in col. 5, lines 48-63. It would have been obvious to one of ordinary skill in the art to combine the system of Allen et al with that of Greanias et al as they both disclose a touch panel with sensor, insulative and conductive layers where a finger or stylus may be used. The bezel of Greanias et al well known in the art as it protects the edges of the display.

As to dependent claims 58, 59, 82 and 83, limitations of claim 52, and further comprising, Allen et al, Miller et al and Greanias et al do not disclose the feature of compensating edge distortion by calibration means, however the Examiner takes Official Notice, as the limitation of compensating edge distortion by calibration means is well known in the art. It would have been obvious to one of ordinary skill in the art to incorporate the feature into that of Allen et al as modified by Miller and Greanias as compensating for edge distortion increases the viewing and touching area of the display.

As to dependent claim 84 and 85, see limitations of claim 52, above.

As to dependent claims 60, 86 and 87, limitations of claim 52 and further comprising, Allen et al and Miller et al do not disclose wherein said means for distinguishing an identity of said conductive object comprises a means based on the detected change in capacitance, wherein said detected change in capacitance is variable over a time period for a finger proximate said conductive touch layer and said detected change in capacitance is substantially constant over a time period for a stylus contacting said conductive touch layer. Greanias et al disclose wherein said means for distinguishing an identity of said conductive object comprises a means based on the detected change in capacitance, wherein said detected change in capacitance is variable over a time period for a finger proximate said conductive touch layer and said detected change in capacitance is substantially constant over a time period for a stylus contacting said conductive touch layer in col. 7, lines 14-23 and col. 8, lines 19-50. It would have been obvious to one of ordinary skill in the art to incorporate wherein said means for distinguishing an identity of said conductive object comprises a means based on the detected change in capacitance as shown by Greanias into that of Allen et al as modified

by Miller. The feature of capacitive detection is advantageous as disclosed by Greanias in col. 3, lines 25-37 as it improves the accuracy of determining the position of the touch.

As to dependent claims 61, 89-91 limitations of claims 52 and 88, and further comprising, Allen et al as modified by Miller and Greanias do not disclose the feature said visual mark is an alteration in at least one of color and reflectivity produced by mechanical contact of said conductive object with said conductive layer or produced by the chemical property of the conductive object. However the Examiner takes Official Notice that said visual mark is an alteration in at least one of color and reflectivity produced by mechanical contact of said conductive object with said conductive layer or produced by the chemical property of the conductive object is well known in the art as the alteration of color produces an image. It would have been obvious to one of ordinary skill in the art to incorporate the feature of a visual mark into Allen et al as modified by Miller and Greanias as the visual mark would disclose the area in which the user has selected or written.

As to dependent claim 92, limitations of claim 88, and further comprising, Allen et al as modified by Miller and Greanias do not disclose the feature of where the visual mark is produced by a sacrificial material on a tip of said conductive object. However the Examiner takes Official Notice that the visual mark is produced by a sacrificial material on a tip of said conductive object is well known in the art. It would have been obvious to one of ordinary skill in the art to incorporate the feature of a visual mark into Allen et al as modified by Miller and Greanias as the visual mark would disclose the area in which the user has selected or written.

As to dependent claim 93, limitations of claim 92, Allen et al as modified by Miller and Greanias do not disclose the feature of where sacrificial material is pencil graphite. However the Examiner takes Official Notice that where sacrificial material is pencil graphite is well known in the art. It would have been obvious to one of ordinary skill in the art to incorporate the feature of a visual mark into Allen et al as modified by Miller and Greanias as the visual mark would disclose the area in which the user has selected or written.

As to dependent claim 94, limitations of claim 52, and further comprising, Allen et al do not disclose wherein said visual mark is produced by a groove in a surface of said conductive layer in response to mechanical contact of said conductive object with said conductive layer, wherein said surface of said conductive layer comprises a pliant material. Miller et al disclose visual mark is produced by a groove in a surface of said conductive layer in response to mechanical contact of said conductive object with said conductive layer, wherein said surface of said conductive layer comprises a pliant material as is shown in Fig. 4. It would have been obvious to one of ordinary skill in the art to incorporate the object position detector of Miller et al as the sensor layer of Miller et al is shown to be of a sensor layer that would be used in touch panels and would be advantageous as it uses capacitive sensing rather than resistive as is shown in col. 4, lines 12-28 which is advantageous as it can sense the entire area of the finger in contact with the touch panel as opposed to just the pressing sensation of a resistive type of touch panel.

As to dependent claim 95, limitations of claim 88, and further comprising, Allen et al as modified by Miller and Greanias do not disclose where the visual mark is

removable. However the Examiner takes Official Notice that the visual mark is removable is well known in the art. It would have been obvious to one of ordinary skill in the art of to incorporate where the visual mark is removable into Allen et al as modified by Miller and Greanias as is shown by personal digital assistants where the written marks are erasable to enable the user to change content.

As to dependent claim 96, limitations of claim 88, and further comprising, Allen et al as modified by Miller and Greanias do not disclose where visual mark is produced by a layer of liquid crystal material coupled to said conductive layer in response to mechanical contact of said conductive object with said conductive layer. However the Examiner takes Official Notice that the visual mark is produced by a layer of liquid crystal material coupled to said conductive layer in response to mechanical contact of said conductive object with said conductive layer is well known in the art. It would have been obvious to one of ordinary skill in the art to incorporate where the visual mark is produced by liquid crystal material into that of Allen et al as modified by Miller and Greanias as displays taught by personal digital assistants are liquid crystal displays where the liquid crystal provides a clearer visual mark and better conductivity.

1. Claim 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al in view of Miller et al in view of Greanias and further in view of DePalma et al. (US 5,558,977).

As to dependent claim 73, limitations of claim 52, and further comprising, Allen et al as modified by Miller and Greanias do not disclose where the conductive material comprises carbon powder. DePalma et al discloses transparent conductive layer. In col. 2, lines 39-46 DePalma et al disclose where conductive layers have been described to

contain conductive carbon particles. Further DePalma et al disclose in col. 11, lines 13-24 where these conductive layers are used in touch panels and liquid crystal displays. It would have been obvious to one of ordinary skill in the art to combine the system of Allen et al as modified by Miller and Greanias with that of DePalma et al as DePalma et al disclose the composition of a conductive layer used in touch panels and liquid crystal displays. The addition of a conductive carbon in the conductive layer is advantageous as it would be an antistatic system which is one where the electrostatic charge can be dissipated as is advantageous as it reduces irregular fog patterns and provides a high degree of transparency as is disclosed in col. 1, lines 29-37 and col. 5, lines 26-40 of DePalma.

Response to Arguments

2. Applicant's arguments with respect to claims 24, 52-96 have been considered but are moot in view of the new ground(s) of rejection.

Applicant is directed to the 35 USC 112, first paragraph rejection for written description, above, as the specification fails to comply with the written description requirement. The specification does not adequately disclose how the "conductivity is configured to create an image of said conductive object that is larger than an area of contact of said conductive object". In the specification, on page 10, lines 4-7, applicant teaches "For best operation, the conductivity of the surface layer should be chosen such that the image of the stylus is about the same size as the image generated by a finger on a normal capacitive sensor." However, the specification does not teach how the conductivity is chosen or selected as claimed in the independent claim. The specification on page 9, line 14-page 10, line 7, simply state that a conductivity that is too large or too

small is flawed, however a moderate conductivity is appropriate. The specification fails to accurately describe or define how a moderate conductivity is determined.

Similarly, the claims and specification fail to comply with the enablement requirement as it requires undue experimentation in order to determine conductivity.

As the specification only requires a "moderate" conductivity and does not clearly disclose what "moderate conductivity" is, the prior art as cited in the 35 USC 103 rejection would provide adequate or moderate conductivity in order to teach the claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SRILAKSHMI K. KUMAR whose telephone number is (571)272-7769. The examiner can normally be reached on 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Srilakshmi K Kumar/
Primary Examiner
Art Unit 2629

SKK
November 6, 2009